

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

LEGRETTA F. CHEEK,

Plaintiff,

v.

BANK OF AMERICA, N.A.; JOHN DOE;
GURSTEL LAW FIRM, P.C.; WHITNEY
M. JACOBSON; JESSE VASSALLO
LOPEZ; BROCK & SCOTT, PLLC;
BIRSHARI COOPER,

Defendants.

CASE NO.: 3:20-CV-00182-RJC

**DEFENDANTS BROCK & SCOTT, PLLC AND BIRSHARI COOPER'S
MOTION TO DISMISS COMPLAINT**

NOW COME Defendants Brock and Scott, PLLC, and Birshari Cooper ("Defendants"), by and through their undersigned counsel, and pursuant to Rule 8 (a)(2) and 12(b)(1), (2), (4), (5) & (6) of the Federal Rules of Civil Procedure, move this Court for an Order to dismiss with prejudice Plaintiff LeGretta F. Creek's Complaint filed by on March 23, 2020.

WHEREFORE, for the foregoing reasons and the reasons sets forth in Defendants' Memorandum of Law filed contemporaneously herewith, which are incorporated herein by reference, Defendants respectfully prays that the Court dismiss with prejudice the Complaint, and for such further relief as this Court deems just and proper.

Respectfully submitted this 15th day of May, 2020.

/s/ Alan M. Presel

Alan M. Presel, NC Bar #24470

BROCK & SCOTT, PLLC

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*Attorneys for Defendants Brock & Scott, PLLC
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CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned has electronically filed the foregoing **Motion to Dismiss** with the Clerk of Court using the CM/ECF system which will send electronic notification of such filing to the following counsel for Plaintiffs:

Tonya L. Urps
McGuireWoods LLP
201 North Tryon Street, Suite 3000
Charlotte, NC 28202-2146
*Attorneys for Defendant Bank of
America, N.A.*

Caren D. Enloe
Smith Debnam Narron Drake Saintsing & Myers LLP
P.O. Box 176010
Raleigh, NC 27619-6010
*Attorneys for Defendants Gurtzel Law Firm, P.C.,
Whitney M. Jacobson, Jesse Vassallo Lopez*

This is to further certify that on this date the undersigned has served, or caused to be served, the foregoing **Motion to Dismiss** upon *pro se* Plaintiff by placing a copy of the same in a postage paid envelope addressed to the person hereafter named, return address clearly indicated, to the place and address stated below, which is the last known address, and by depositing said envelope in the U.S. Mail:

LeGretta F. Cheek
113 Indian Trail Rd N, Suite 100
Indian Trail, NC 28079
Pro Se Plaintiff

This 15th day of May, 2020.

/s/ Alan M. Presel

Alan M. Presel, NC Bar #24470

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